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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Chang et al.**

Serial No.: **10/782,500**

Filed: **February 19, 2004**

For: **Method of Transforming an  
Application into an On-Demand  
Service**

§ Group Art Unit: **2193**  
§  
§  
§ Examiner: **Mitchell, Jason D.**  
§  
§ Attorney Docket No.: **AUS920030925US1**  
§  
§ Customer No. **50170**  
§  
§

**RESPONSE TO EXAMINER'S AMENDMENT**

*Mail Stop After Final*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In the Notice of Allowance dated October 28, 2008, the Examiner indicated that Figure 1 should be labeled as Prior Art and further indicated that the labeling of Figure 1 as Prior Art was approved by the Examiner and agreed upon by the applicant. Filed

herewith is a replacement sheet of drawings in which Figure 1 is labeled "Prior Art" as required by the Examiner.

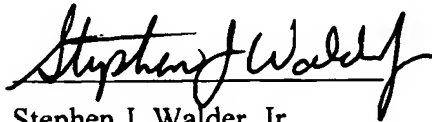
As discussed with the Examiner, Applicants continue to disagree with the labeling of Figure 1 as being prior art since the application specifically states that Figure 1 is an example of a computer system capable of performing the invention (see Brief Description of the Drawings, page 2; page 3, lines 25-26; page 4, lines 21-23). Thus, the computer system of Figure 1 is part of one embodiment of the present invention. When this was pointed out to the Examiner, he stated that the labeling of Figure 1 as "Prior Art" was required for the application to be issued as a patent. Thus, Applicants are labeling Figure 1 as "Prior Art" herewith only to satisfy the Examiner's requirement and pass the application to issue. Applicants do not intend to state that any feature of the claimed invention is part of the "prior art" by the labeling of Figure 1 as "Prior Art."

Accordingly, the application is now in condition for issue as a patent. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the issuance of this application.

Respectfully submitted,

DATE:

*January 20, 2009*



Stephen J. Walder, Jr.

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